

upon which he or she rests the request for a more favorable determination.

(c) *Notification.* The determination upon the reconsideration will be provided to the claimant in writing by the deciding official.

### Subpart C—Claims Arising Out of the Operation of the Job Corps

#### § 15.40 Scope and purpose.

(a) The purpose of this subpart is to set forth regulations relating to claims for damage to persons or property arising out of the operation of Job Corps which the Secretary of Labor finds to be a proper charge against the United States but which are not cognizable under the Federal Tort Claims Act.

(b) This subpart further amplifies the regulatory provisions set forth in 20 CFR 638.526(b) regarding such claims.

#### § 15.41 Allowable claims.

(a)(1) A claim for damage to persons or property arising out of an act or omission of a student enrolled in the Job Corps may be considered pursuant to § 436(b) of the Job Training Partnership Act (29 U.S.C. 1706(b)):

(i) If the act or omission which gave rise to the claim took place at the center to which the student involved was assigned, or

(ii) If the student involved was not within the geographical limits of his hometown and was within 100 miles of the center to which he or she was assigned, or while he or she was on authorized travel to or from the center.

(2) The claim may be paid if the deciding official, in his or her discretion, finds the claim to be a proper charge against the United States resulting from an act or omission of a student enrolled in the Job Corps.

(b) A claim for damage to person or property hereunder may not be paid if the claim is cognizable under the Federal Tort Claims Act (28 U.S.C. 2677).

(c) A claim for damage to person or property may be adjusted and settled hereunder in an amount not exceeding \$1500.

#### § 15.42 Claim procedures.

(a) *Claim.* A claim under this subpart must be in writing and signed by the claimant or by an authorized rep-

resentative. It must be received by the Office of the Solicitor within two years of the date upon which the claim accrued.

(b) *Award.* The Regional Solicitors and Associate Regional Solicitors are authorized to consider, ascertain, adjust, determine, compromise and settle claims filed under this subpart that arose within their respective jurisdictions.

(c) *Notification.* The determination upon the claim shall be provided to the claimant in writing by the deciding official.

(d) *Reconsideration.* Reconsideration of a determination under this subpart shall be available pursuant to the procedures and limitations set forth in § 15.29.

## PART 16—EQUAL ACCESS TO JUSTICE ACT

### Subpart A—General Provisions

Sec.

- 16.101 Purpose of these rules.
- 16.102 Definitions.
- 16.103 When the Act applies.
- 16.104 Proceedings covered.
- 16.105 Eligibility of applicants.
- 16.106 Standards for awards.
- 16.107 Allowable fees and expenses.
- 16.108 Awards against other agencies.

### Subpart B—Information Required From Applicants

- 16.201 Contents of application.
- 16.202 Net worth exhibit.
- 16.203 Documentation of fees and expenses.
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### Subpart C—Procedures for Considering Applications

- 16.301 Filing and service of documents.
- 16.302 Answer to application.
- 16.303 Settlement.
- 16.304 Further proceedings.
- 16.305 Decision.
- 16.306 Review by the Secretary.
- 16.307 Judicial review.
- 16.308 Payment of award.

AUTHORITY: Pub. L. 96-481, 94 Stat. 2327 (5 U.S.C. 504).

SOURCE: 46 FR 63021, Dec. 29, 1981, unless otherwise noted.